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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte PAUL A. LOVVIK and JUNID A. SAIYED

Appeal 2008-001452
Application 10/051,277[1]
Technology Center 2100

Decided: August 11, 2009

Before LANCE LEONARD BARRY, JEAN R. HOMERE, and STEPHEN C. SIU, *Administrative Patent Judges*.

HOMERE, *Administrative Patent Judge*.

DECISION ON APPEAL

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[1] Filed on January 22, 2002. The real party in interest is Sun Microsystems, Inc.

I. STATEMENT OF THE CASE

Appellants appeal under 35 U.S.C. § 134(a) from the Examiner's final rejection of claims 1 through 19. We have jurisdiction under 35 U.S.C. § 6(b).

We reverse.

Appellants' Invention

Appellants invented a system and method for accessing the contents of a central directory contained in a streamed zip file as the directory is being received. (Para. [017, 049].)

Illustrative Claim

Independent claim 1 further illustrates the invention as follows:

1. A method of accessing a streamed zip file comprising:
receiving a stream of a data containing an un-extracted zip file, wherein the zip file comprises a set of files and a central directory; and
enabling a process to access contents of the central directory as the central directory is received.

Prior Art Relied Upon

The Examiner relies on the following prior art as evidence of unpatenability:

Hendler	2002/0042833 A1	Apr. 11, 2002 (filed Dec. 29, 2000)
Basin	2002/0120639 A1	Aug. 29, 2002 (filed Mar. 9, 2001)

Rejection on Appeal

The Examiner rejects the claims on appeal as follows:

Claims 1 through 19 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over the combination of Hendler and Basin.

Appellants' Contentions

Appellants contend that the Examiner erred in concluding that the combination of Hendler and Basin renders independent claim 1 unpatentable. In particular, Appellants argue that neither Hendler nor Basin teaches accessing the contents of a central directory contained in a streaming zip file as the directory is being received. According to Appellants, in contrast to the claim limitation, both references require extracting the individual files from the zip file before the contents thereof can be accessed. (App. Br. 15-16; Reply Br. 2-4.)

Examiner's Findings and Conclusions

The Examiner finds that Basin's disclosure of downloading zip files from the Internet in a compressed format teaches accessing un-extracted zip files. (Ans. 5.)

II. ISSUE

Have Appellants shown that the Examiner erred in finding that the combination of Hendler and Basin teaches or suggests accessing the contents of a central directory contained in a streaming zip file as the directory is being received, as recited in independent claim 1?

III. FINDINGS OF FACT

The following findings of fact ("FF") are supported by a preponderance of the evidence.

Hendler

1. As depicted in Figures 4 and 6, Hendler discloses a system for streaming from a server (401) to a client (410) a zip file containing a plurality of files and a central directory. (Abstract, para. [0067, 0070].)

2. Hendler discloses that traditionally a server transmits the zip file to the client as a single file. Hendler also discloses that the streaming server (401) first extracts the contents of the zip file before transmitting them to the client (410) as a series of separate modules or as a set of streamable modules. (Para. [073, 074].)

Basin

3. Basin discloses a method and system for manipulating and managing zip files. In particular, Basin discloses using Microsoft Windows Explorer for opening, creating, extracting, and modifying a zip file. (Abstract.)

4. Basin acknowledges that files are generally downloaded from the Internet in their compressed form. (Para. [0002].) However, Basin recognizes that the contents of such compressed files are not generally accessed until the files are uncompressed. (Para. [0004].)

5. Basin discloses that individual files in a zip file including the central directory can be encrypted without having to first extract the files therefrom. (Para. [0049].)

IV. PRINCIPLES OF LAW

Appellants have the burden on appeal to the Board to demonstrate error in the Examiner's position. *See In re Kahn*, 441 F.3d 977, 985-86 (Fed. Cir. 2006) ("On appeal to the Board, an applicant can overcome a

rejection [under § 103] by showing insufficient evidence of *prima facie* obviousness or by rebutting the *prima facie* case with evidence of secondary indicia of nonobviousness.") (quoting *In re Rouffet*, 149 F.3d 1350, 1355 (Fed. Cir. 1998)).

V. ANALYSIS

Independent claim 1 recites, in relevant part, accessing the contents of a central directory contained in a streaming zip file as the central directory is being received.

As set forth in the Findings of Fact section, Hendler discloses transmitting a zip file in its un-extracted form to the client as a way to conserve bandwidth. (FF. 2.) Further, Basin discloses using Internet Explorer to download a zip file from the Internet to subsequently manipulate it after extracting the contents thereof. (FF. 3-4.) Additionally, Basin discloses encrypting a zip file in its un-extracted form. (FF. 5.) We find that the combined disclosures of Hendler and Basin, at best, teach or suggest streaming and encrypting the contents of a zip file including a central directory its un-extracted form. However, we find that the proffered combination does not teach or suggest accessing the content of the zip file in its uncompressed form. While Basin clearly acknowledges such shortcoming in the art (FF. 4), the reference is not at all concerned with solving this particular problem. Therefore, the Examiner's reliance on Basin to cure these admitted deficiencies of Hendler is unfounded.

Since Appellants have shown at least one error in the rejection of claim 1, we need not reach the merits of Appellants' other arguments. It follows that Appellants have shown that the Examiner erred in concluding

that the combination of Hendler and Basin renders independent claim 1 unpatentable.

Because claims 2 through 19 also recite the limitations discussed above, we find that Appellants have also shown error in the Examiner's rejection of these claims for the reasons set forth in our discussion of independent claim 1.

VI. CONCLUSION OF LAW

Appellants have shown that the Examiner erred in rejecting claims 1 through 19 as being unpatentable under 35 U.S.C. § 103(a).

VII. DECISION

We reverse the Examiner's decision to reject claims 1 through 19 as being unpatentable under 35 U.S.C. § 103(a).

REVERSED

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